

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

CLAUDIA SALAZAR
Plaintiff,

V.

UNITED STATE OF AMERICA
Defendant.

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CIVIL ACTION NO. 2:22-cv-00001

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE DISTRICT COURT JUDGE:

NOW COMES CLAUDIA SALAZAR, Plaintiff in the above-entitled and numbered cause (hereinafter called “**Plaintiff**”), complaining of UNITED STATES OF AMERICA (hereinafter called “**Defendant**”), and for cause of action, would respectfully show unto the Court as follows:

I.
JURISDICTION

1. The Court has jurisdiction over this action pursuant to U.S.C. §1346(b)(1) for the following reasons:

a. This suit is brought pursuant to the Federal Tort Claims Act (“FTCA”). *See* 28 U.S.C. §2671, *et al.* Gerardo Astudillo, M.D. is an employee of United Medical Centers, a health care center funded under the Health Center Program, section 330(e) of the Public Health Services Act (42 U.S.C. 254(b), as amended. Plaintiff filed her claim for damages for the acts of negligence specified hereinbelow with the U.S. Department of Health and Human Services on May 18, 2021, with receipt of said claim on May 24, 2021. As of the date of filing of this lawsuit, Plaintiff’s claims have not been administratively denied.

b. The amount in controversy exceeds the sum or value of \$100,000.00, exclusive of interest, costs of Court, and attorneys' fees.

II.
VENUE

2. Venue is proper in this district pursuant to 28 U.S.C. §1391(b)(2) as relevant acts complained of occurred at Val Verde Regional Medical Center, located within the Del Rio Division of the United States District Court for the Western District of Texas.

III.
THE PLAINTIFF

3. At the times material herein, Plaintiff resided in Ciudad Acuna in Coahuila, Mexico.

IV.
THE DEFENDANT

4. Service of Citation is requested at this time, to be had upon the Defendant UNITED STATES OF AMERICA by serving its agent, Ms. Ashley C. Hoff, United States Attorney for the Western District of Texas, at her office located at 111 East Broadway, Room A306, Del Rio, TX 78440, and by sending a true and correct copy of the Complaint, via certified mail, return receipt requested, to The Honorable Merrick Garland, Attorney General of the United States of America, Department of Justice, 10th & Constitution Avenue, N.W., Room B-112, Washington, D.C. 20530.
Issuance of Citation is requested at this time.

V.
FACTS

5. CLAUDIA SALAZAR was admitted to Val Verde Regional Medical Center on July 27, 2019 for delivery of her baby. Dr. Gerardo Astudillo, with United Medical Centers, was

entrusted with her medical care and treatment during the delivery. Dr. Astudillo performed a c-section delivery and closure on Ms. Salazar. Shortly thereafter, she suffered severe hematuria and clots and bladder injury was suspected so she was airlifted to Methodist Hospital in San Antonio for treatment. A cystoscopy and laparotomy were performed which revealed that Ms. Salazar had an incomplete uterine closure with uterine incision opened on the left aspect, at least 2cm, between the uterus and bladder, and there was a large defect in her bladder which had apparently been sewn to the top of the uterine incision, and that she had an unrepaired vaginal rent. Surgical treatment was performed at Methodist Hospital on 7/28/2019 and Ms. Salazar was discharged on 7/30/2019. As a result of Defendant's negligence, Plaintiff suffered and continues to suffer injuries and damages, as more specifically set forth below.

VI. **NEGLIGENCE OF THE DEFENDANT**

6. Plaintiff believes and alleges that Defendant UNITED STATES OF AMERICA, acting by and through its physicians, agents, servants, and/or employees including Gerardo Astudillo, M.D., committed certain negligent acts and/or omissions in the medical care provided to Plaintiff, and such negligence included, but is not limited to the following:

- a. Failing to properly and safely perform the c-section on Plaintiff.
- b. Failing to properly perform the hysterotomy (incision) and the repair of the hysterotomy.
- c. In sewing the uterus and bladder together during the c-section.
- d. Failing to evaluate for possibility of extension of the c-section incision/laceration into the vagina.
- e. Failing to repair the incision/laceration that extended into the vagina.

7. Plaintiff would show that each and all of the above and foregoing acts and/or omissions of Defendant UNITED STATES OF AMERICA were negligent and each and all were a direct and proximate cause of the injuries to Plaintiff, as more specifically set forth below.

VII.
DAMAGES

8. Plaintiff would show as a direct and proximate result of the negligent acts and/or omissions of the Defendant herein, Plaintiff CLAUDIA SALAZAR has been caused to suffer physical pain and mental anguish, and in reasonable probability, she will continue to suffer the same in the future, for which she seeks recovery herein. Further, Plaintiff has been caused to suffer physical impairment, and in reasonable probability, she will continue to suffer the same in the future, for which she seeks recovery herein. Further, Plaintiff has been caused to suffer disfigurement, and in reasonable probability, she will continue to suffer the same in the future, for which she seeks recovery herein. Further, Plaintiff has been caused to incur reasonable and necessary medical, doctor, hospital, and therapy expenses, and in reasonable probability, she will continue to incur the same in the future, for which she seeks recovery herein.

9. Plaintiff believes she has been injured and damaged in a sum within the jurisdictional limits of this Court.

VIII.
JURY DEMAND

10. Plaintiff requests a jury trial.

IX.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant, UNITED STATES OF AMERICA, be duly cited to appear and answer herein, and that upon final trial of this cause, Plaintiff have and recover judgment of and from the Defendant, in an amount within the jurisdictional limits of this Court, plus costs of Court, pre-judgment and post-judgment interest,

and for such other and further relief, both general and special, at law or in equity, to which Plaintiff may show herself to be justly entitled.

Respectfully submitted,

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